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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,775	06/20/2006	Kazuo Sato	SATO3028	2385
23364 7590 03/04/2008 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314				
EXAMINER				
VO, TUYEN KIM				
ART UNIT		PAPER NUMBER		
2887				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,775

Applicant(s)

SATO ET AL.

Examiner

Tuyen Kim Vo

Art Unit

2887

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/89)
- Paper No(s)/Mail Date 04/25/06 & 05/11/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Priority

Receipt is acknowledged of papers filed under 35 U.S.C. 119 (a)-(d) based on an application filed in Oath on 06/20/2006.

Claim Objections

1. Claim 11 is objected to because of the following informalities:

Re claim 11, the limitation of "the said cell size" in line 3 is suggested to change to -- said cell size --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 and 7-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Natsukari et al. (US 2004/0046024 A1, hereinafter "Natsukari").

Re claims 1, 3, 7 and 10, Natsukari teaches a system and method of a two dimensional code formation device comprising information-acquisition means (see

figures 3-7) for acquiring the code size of 2-dimensional code, storage information that is to be written in said 2-dimensional code, the number of unit cells of said 2-dimensional code, and the dot step size or number of dots $n \times m$ (where n and m are natural numbers) arranged vertically and horizontally inside a unit cell of said 2-dimensional code (see [0094]-[0126]); calculation means (figure 8) for performing a process of calculating the cell size based on said code size and number of cells, and a process of creating laser-marking information based on said code size, said storage information, said cell size, and said dot step size or number of dots (see [0127]-[0139]); and laser-marking means (see [0058]) for performing laser marking of 2-dimensional code based on said laser-marking information. In general, see figure 2 and [0009]-[0031].

Re claims 2, 8 and 11, Natsukari further teaches the calculation means performs a process of changing the cell size of the unit cell passed on change information for the storage information that was acquired by the information acquisition means. See [0112], [0113], [0125] and [0176].

Re claims 9 and 12, Natsukari further teaches the calculation means performs a process of creating different laser-marking information based on change information for the step size or number of dots that was acquired by the information acquisition means. See [0012].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natsukari et al. in view of Struye et al. (US 2004/0094729 A1, hereinafter "Struye").

Re claims 4 and 13, Natsukari teaches all subject matter claimed as discussed above (see section 3).

However, Natsukari fails to teach the two dimensional code comprising means for acquiring, storing and converting the manufacturing history information as recited in claims 4 and 13.

Struye teaches items (which serves as products) that can be marked in order to trace its manufacturing history. See [0080].

In view of Struye's teachings, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the two-dimensional code of Natsukari to have tracking information/code as taught by Struye in order for receiving parties to keep track of all the information including the manufacture's history in their own databases for future references. Moreover, the product can also be detected and inspected by the manufacturer.

Re claim 6, the teachings of Natsukari as modified by Struye have been discussed above. In addition, Natsukari further teaches the laser marking step includes

a process of reading the two dimensional code that was laser marked and checking whether or not marking of the two dimensional code is correct. See [0192]-[0196].

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Natsukari as modified by Struye as applied to claim 4 above, and further in view of Endo et al. (US 2003/0224256 A1, hereinafter "Endo").

Re claim 5, the teachings of Natsukari as modified by Struye have been discussed above. However, Natsukari as modified by Struye fail to teach laser marking the code by continuous laser-beam irradiation.

Endo teaches generating laser markings using continuous laser-beam irradiation. See [0094].

In view of Endo's teachings, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Natsukari as modified by Struye by providing the continuous laser-beam irradiation for generating the code as taught by Endo so that irradiation position of the laser beam is dot-like or continuous, whereby desired symbols, characters, and marks can be formed as the marking pattern on the material. See Endo: paragraphs [0094] and [0400].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyen Kim Vo whose telephone number is (571) 270-1657. The examiner can normally be reached on Monday - Friday, 7:30a.m. - 5:00p.m., EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven S. Paik can be reached on (571) 272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tuyen Kim Vo
Examiner
Art Unit 2887
February 11, 2008.

/STEVEN S. PAIK/
Supervisory Patent Examiner, Art
Unit 2887
